

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

KIMBERLY C. CUTONE and ANTHONY CUTONE,

Plaintiffs,

V.

ELI LILLY AND COMPANY, *et al*,

Defendants.

CIVIL ACTION  
NO. 1:04-CV-12725-JLT

**STIPULATION OF DISMISSAL WITH PREJUDICE OF  
DEFENDANT WYETH**

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii) and Local Rule 41.1, plaintiffs Kimberly C. Cutone and Anthony Cutone hereby dismiss the above-referenced action as to defendant Wyeth with prejudice and without costs to any party. All rights of appeal are hereby waived.

**Plaintiffs Kimberly C. Cutone and  
Anthony Cutone,**

By their attorneys,

**Defendant Wyeth,**

By its attorneys,

/s/ Aaron M. Levine

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**Defendant Premo Pharmaceutical  
Laboratories, Inc.,**

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Dated: July 19, 2005